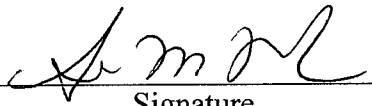


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		Application Number	Filed
		10/767,125	January 29, 2004
		First Named Inventor	
		Jean-Laurent LUQUET	
		Art Unit	Examiner
		3653	Jeremy R. SEVERSON
WASHINGTON OFFICE 23373 CUSTOMER NUMBER			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record. Registration number 48,294</p> <p style="text-align: right;"> Signature</p> <p style="text-align: right;">Allison M. Tulino Typed or printed name</p> <p style="text-align: right;">(202) 293-7060 Telephone number</p> <p style="text-align: right;">October 9, 2008 Date</p>			

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q106246

Jean-Laurent LUQUET, et al.

Appln. No.: 10/767,125

Group Art Unit: 3653

Confirmation No.: 4365

Examiner: Jeremy R. SEVERSON

Filed: January 29, 2004

For: DEVICE FOR RECEIVING ENVELOPES

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated July 9, 2008, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Claims 1-3 and 7-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tschiderer (U.S. Patent No. 5,363,998) in view of Ladds (U.S. Patent No. 4,155,643) and Haydock (U.S. Patent No. 2,963,761). Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tschiderer in view of Ladds and Yamada (U.S. Patent No. (6,714,326). Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tschiderer in view of Ladds and Firl (U.S. Patent No. 5,454,553). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tschiderer in view of Ladds and Yamada JP (JP 8-337349).

A. Claim 1

Claim 1 recites:

said rear wall comprises hooking means configured to cooperate with feet of a folding and inserting machine for connecting the receiving device to the folding and inserting machine

Applicant maintains that the Examiner has mischaracterized the teachings of the prior art and has therefore failed to establish a prima facie case of obviousness. In particular, the Examiner asserts that the primary reference, Tschiderer, teaches a “hooking means” (pg. 2 of July 9, 2008 Final Office Action). As support, the Examiner merely refers to Figure 1 of the reference without citing any particular reference numeral shown therein that is alleged to disclose the hooking means. Applicant submits that Figure 1 of Tschiderer fails to show how the output tray 20 (alleged receiving device) and the fan fold paper feeding device 12, interconnected thereto, are attached to the reproduction apparatus 10. The detailed description portion of Tschiderer likewise fails to provide any teaching or suggestion as to whether such devices are either integrally formed with or detachably connected to the reproduction apparatus 10. Thus, contrary to the Examiner’s assertion, Tschiderer does not provide any teachings regarding attachment, let alone that the output tray 20 (alleged receiving device) and the fan fold paper feeding device 12, interconnected thereto, have a “hooking” means (where such hooking means is specifically provided on a rear wall of the output tray 20).

On page 3 of the July 9, 2008 Final Office Action, the Examiner maintains that the hooking means of Tschiderer is not configured to cooperate with feet of a folding and inserting

machine for connecting the receiving device to the folding and inserting machine, but contends that that the clips disclosed in Haydock are equivalent to the “hooking means” disclosed in Tschiderer.

As set forth above, Tschiderer does not provide any teaching or suggestion regarding attachment of the output tray 20 (alleged receiving device) and the fan fold paper feeding device 12, interconnected thereto, to the reproduction device 10, let alone that an actual “hooking” means is provided. Thus, it is improper for the Examiner to assert that the undisclosed attaching means of Tschiderer is a hooking means which is in turn equivalent to the clips 22 of Haydock (see Fig. 1 of Haydock).

Further to the above, Applicant submits that one skilled in the art would not be motivated to modify the teachings of Tschiderer to have the output tray 20 (alleged receiving device) and the fan fold paper feeding device 12, interconnected thereto, attached to the reproduction device 10 using the clips 22 of Haydock. For example, the clips 22 of Haydock require a rod element (i.e., rod 18) for attachment. As shown in Figure 1 of Tschiderer, the output tray 20 is pivotally connected to the fan fold paper feeding device 12 and it appears that the entire back side of the fan fold paper feeding device 12 is attached in some undisclosed manner to the reproduction device 10. There is no rational reason why one skilled in the art would attach rods to that portion of the reproduction device 10 merely so that the clips 22 of Haydock could be utilized.

Additionally, regarding the claimed cooperation of the hooking means with the feet of the folding and inserting machine, the Examiner alleges that Haydock’s clips would be used attach “the tray to cylindrical legs since Haydock’s clips would provide a more secure attachment (pg. 4

of July 9, 2008 Final Office Action). However, there are no legs shown in the figures of Tschiderer. Furthermore, even if there was motivation to provide legs to the reproduction device 10 of Tschiderer, there is no disclosure as to how the elements of Tschiderer are attached to the reproduction device 10. Accordingly, there is no support for the Examiner's contention that the clips 22 of Haydock would provide a "more secure" attachment (i.e., no strength comparison can be made). Also, based on the fact that the fan fold paper feeding device 12 includes the motor driven tractor drive assembly 16 (and the closed loop tractor chains) that transports the fan fold paper 14 to the output tray 20, one skilled in the art would not be motivated to arbitrarily move the entire structure from its current position at the upper portion of the side of the reproduction device 10 down to the lower portion where alleged feet would be provided since the mechanical assembly would need to be extended. This would unnecessarily complicate the system.

Claim 1 further recites, "said support plate includes two hollows provided on either side of its longitudinal axis at a level at which the support plate is joined with said front wall."

The Examiner acknowledges that Tschiderer fails to disclose the claimed hollows, but contends that Ladds does. The Examiner refers to column 2 et seq. of Ladds and maintains that the hollows are provided to allow copies to be grasped for removal such that it would be obvious to provide the hollows of Ladds in the device of Tschiderer for removal of copies (pg. 3 of July 9, 2008 Final Office Action). There is, however, no disclosure (at all) regarding the alleged hollows of Ladds, let alone that such hollows provide a certain benefit that would motivate one skilled in the art to alter the configuration of Tschiderer to include the hollows. Furthermore, based on the view provided in Figure 1 of Tschiderer, it appears that there is a space provided

between the side of the stack of fan folded paper and the side of the output tray 20 for grasping and removal. Thus, Applicant submits that claim 1 is patentable over the cited references.

Furthermore, Applicant submits that neither Yamada, Firl or Yamada JP cure the deficient teachings of Tschiderer, Ladds and Haydock.

B. Claims 2-8

Applicant submits that claims 2-8 are patentable at least by virtue of their dependency upon claim 1.

Respectfully submitted,



Allison M. Tulino
Registration No. 48,294

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 9, 2008